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| 10/691,147      | 10/21/2003  | Meng Ju Hsieh        |                     | 4967             |

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EXAMINER

CHANG, YEAN HSI

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2835

DATE MAILED: 07/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/691,147

Applicant(s)

HSIEH, MENG JU

Examiner

Yean-Hsi Chang

Art Unit

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 8-12 and 15-20 is/are rejected.
- 7) ☒ Claim(s) 4-7, 13 and 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 1 is objected to because of the following informalities: The "a first portion" on line 11 may have to be "a first position", since there is a "a second position".  
Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 15-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 15, it claims "the second portion comprises a sleeve, ... and the actuator extends from the sleeve", however, it contradicts with "the actuator is provided on the first portion" in claim 9 from which claim 15 depends. In claim 18, the actuated switch and the shaft section both mounted and secured to the other of the first and second unit, and the actuated switch laterally/radially movably relative to the shaft section. Claims 16-17 and 18-20 dependent from claim 15 and 18, respectively. Explanations are required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohgami et al. (US 5,592,362).

Ohgami teaches a power control apparatus adapted for being applied in an electronic device (fig. 1), the electronic device comprising a display (141) and a mainframe (3), the power control apparatus comprising: a bearing seat (5b or 5c) adapted to be secured in the mainframe, the bearing seat comprising a shaft (not shown, see col. 20, lines 20-31), a rotating portion (145) adapted to be secured in the display, the rotating portion comprising a sleeve (side view shown in fig. 35) pivotally receiving the shaft (not shown), and an actuator (237) extending from the sleeve, and a loading board (224) attached to the bearing seat (shown in fig. 32), the loading board comprising a suspend switch (232) having an elastic button (233), wherein the rotating portion is rotatable between a first portion (fig. 35) in which the button protrudes from the switch, and a second position (fig. 36) in which the button is depressed into the switch by the actuator so that the mainframe terminates signals and power delivery to the display (claim 1); wherein the bearing seat further comprise a base (5a) and a neck portion (better seen in figs. 1 and 35) extending upwardly from the base, and the shaft

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extends from an upper end of the neck portion ( behind 145, not visible) (claim 2); and wherein the button is movably fixed in the suspend switch (shown in fig. 34) (claim 8).

6. Claims 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Sato (US 6,011,544).

Sato teaches a power control apparatus adapted for coupling a first unit (9, fig. 3) to a second unit (3), the power control apparatus (fig. 7) comprising: a hinge device (12) comprising a first portion (41) secured to the first unit and a second portion (43) secured to the second unit and pivotally engaged with the first portion, a suspend switch (43) having an elastic button (on top of 43 shown in fig. 7, not labeled) provided on the second portion, and an actuator (on top of 41 shown in fig. 7, not labeled) provided on the first portion, wherein the first portion can rotate relative to the second portion between a first position (fig. 7) in which the button protrudes out from the switch, and a second position (fig. 8) in which the button is depressed into the switch by the actuator so that the second unit terminates signals and power delivery to the first unit (claim 9); and wherein the button movably installed in the suspend switch (shown in figs. 7 and 8) (claim 10).

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohgami et al. in view of Saito (US 5,077,551).

Ohgami discloses the claimed invention except indicating the base of the bearing seat defines a plurality of securing holes therein.

Saito teaches a power control apparatus (22, fig. 4) comprising a bearing seat (26) defines a plurality of securing holes (shown in fig. 4, not labeled) therein. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Ohgami with the bearing seat taught by Saito for showing the securing holes thereby the bearing seat may be secured.

9. Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato in view of Sato in view of Ohgami et al.

Sato discloses the claimed invention except showing the second portion comprises a bearing seat and a loading board attached to the bearing seat and wherein the suspended switch is attached to the loading board, wherein the bearing seat comprises a base, a neck portion, and a shaft, the neck portion extending upwardly from the base, the shaft extending from an end of the neck portion.

Ohgami teaches a power control apparatus (fig. 1) comprising: a bearing seat (5b or 5c) and a loading board (224) attached to the bearing seat (shown in fig. 32), a suspend switch (232) being attached to the loading board, and the bearing seat

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comprising a base (5a) and a neck portion (better seen in figs. 1 and 35) extending upwardly from the base, and the shaft extends from an upper end of the neck portion (behind 145, not visible).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Sato by showing the second portion taught by Ohgami for showing the detail of the second portion of the device.

***Allowable Subject Matter***

10. Claims 18-20 are allowed if the rejection of 112, 2<sup>nd</sup> can be resolved.
11. Claims 4-7 and 13-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
12. The following is a statement of reasons for the indication of allowable subject matter: The best prior art of record, Ohgami et al. (US 5,592,362), Sato (US 6,011,544), and Saito (US 5,077,551), taken alone or in combination, fails to teach or fairly suggest a power control apparatus comprising: a rotating portion adapted to be secured in the display, including a sleeve pivotally receiving a shaft of a bearing seat, defining a slit therein, a connecting board extends outwardly from the sleeve and the slit, and a connecting board defined a pair of connecting holes therein as set forth in claim 4; a loading board defining a cutout therein, the cutout engagingly receiving a neck portion of the bearing seat as set forth in claims 6 and 13; wherein the loading

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board further defines a securing hole therein corresponding to one of securing holes of the base of the bearing seat as set forth in claims 7 and 14; a second portion comprising a sleeve pivotally receiving the shaft of the bearing seat, and an actuator extending from said sleeve as set forth in claim 15; and a hinge device including a sleeve section secured to one unit, a shaft section secured to other unit, and said sleeve section coaxially rotatably surrounding said shaft section, an actuation switch mounted on said other unit, and an actuator coaxially extending from a distal end of said sleeve section, and wherein by means of rotation of the sleeve section about the shaft section, the actuation switch can be activated or deactivated by said actuator as set forth in claim 18. Claims 5, 16-17, and 19-20 are dependent claims from claims 4, 15, and 18, respectively.

### ***Correspondence***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yean-Hsi Chang whose telephone number is (571) 272-2038. The examiner can normally be reached on 07:30 - 16:00, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the Art Unit phone number is (571) 272-2800, ext. 35. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information




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Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-8558.

Yean-Hsi Chang  
Primary Examiner  
Art Unit: 2835  
July 19, 2005



**YEAN-HSI CHANG**  
**PRIMARY EXAMINER**